

## **Subchapter Four: Regulation of Food Establishments, Issuance of Permits, Fees and Penalties**

### **4.04.010 Definitions.**

For the purpose of this Subchapter Four the following definitions shall be applicable:

- (a) *Food Establishment* shall include all restaurants, fish markets or stands, fruit markets or stands, vegetable markets or stands, meat markets, horsemeat markets selling horsemeat intended for human consumption, poultry markets or stands, grocery stores, delicatessens, and all other retail food establishments or devices where food, drink or confections are sold or offered for sale to the public, whether such establishments are permanent, mobile, or temporary. "Food Establishment" shall not include or be construed to mean any establishment manufacturing, processing, packaging, or storing food or drink, or the delivery vehicles thereof, not engaged in selling or offering for sale such food or drink to members of the public.
- (b) *Health Officer* means the Director of Public Health and Welfare of San Mateo County, or his duly authorized representative.
- (c) *Health Department* shall mean the San Mateo County Department of Public Health and Welfare, which department has heretofore been duly authorized as the Health Department of the Town of Colma.
- (d) *Zoning Standards* refers to all ordinances and zoning regulations of the Town of Colma.
- (e) *Building Standards* refers to the standards specified in all building codes and regulations of the Town of Colma.
- (f) *Restaurant* means any coffee shop, cafeteria, short order cafe, luncheonette, tavern, bar, sandwich stand, soda fountain, confectionery, catering service, and any other eating or drinking establishment which sells or offers for sale food or drink to the public, and regardless of whether such food or drink is for consumption on or off the premises.
- (g) *Vending Vehicle* shall mean any vehicle from which food or drink is sold or offered for sale to the public, but shall not include delivery vehicles used to transport food or drink from a store having a valid food permit to a customer's home or a vehicle transporting food or drink from a wholesale establishment to a retail outlet.

[History: formerly § 4.401; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

### **4.04.020 Compliance.**

It shall be unlawful for any person, firm, or corporation at any time to open, operate, or engage in the business of operating a food establishment in the Town of Colma without fully complying with all the terms and provisions of this Subchapter Four and without, in particular, possessing

and displaying a valid, subsisting permit issued by the Health Department pursuant to the terms of this Subchapter Four.

[History: formerly § 4.402; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.030 Application for Permit.**

Any person, firm, or corporation desiring to open a food establishment shall apply in writing for a permit to the Health Department, and shall obtain a permit before engaging in business.

[History: formerly § 4.403; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.040 Issuance of Permit.**

(a) If, after investigation, it is determined that the food establishment complies with the requirements of local zoning and building requirements, and with the requirements of this Subchapter Four and all state laws applicable to food establishments, and after payment of the annual fees hereafter specified, a permit, valid for the calendar year involved, shall be issued by the Health Department.

(b) All permits or classification cards issued under, or pursuant to, the provisions of this Subchapter Four must be posted on the premises of the business in a conspicuous place at all times.

(c) Permits are not transferable from one business or location to another, or from one person, firm, or corporation to another.

(d) No notice or classification card posted by the Health Officer shall be removed without the special approval of the Health Officer.

[History: formerly § 4.404; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.050 Fees.**

(a) Permit fees shall be charged as hereinafter provided in order to defray the cost of the inspections required and for the enforcement of this Subchapter Four.

(b) The fees to be paid each calendar year in connection with the issuance of any permit required hereunder for each food establishment shall be as follows:

Restaurants (except taverns, catering services, bars):

Seating capacity of 1 to 20	5.00
Seating capacity of 21 to 50	7.50
Seating capacity of over 50	10.00

Taverns, bars, or other drinking establishments:

Seating capacity of 1 to 5	5.00
Seating capacity of 6 to 20	7.50
Seating capacity of over 20	10.00

(Each 30 inches of lineal length of bar or counter shall be considered as one seat).

Catering Service	5.00
Delicatessen	5.00
Fish Market or Stand	5.00
Grocery Store	5.00
Horsemeat Market	5.00
Poultry Market	5.00
Vegetable Market or Stand	5.00
Fruit Market or Stand	5.00
Food, Drink, or Confection Vending Vehicles	5.00
Food Establishment in Public Schools	No fee
Food Establishments not specifically listed	5.00

(c) No owner or proprietor having complete control of a food establishment, as defined herein, shall be required to have more than one permit for the operation of each place of business; provided, however, that where more than one permit fee is applicable the higher or highest permit fee shall be the fee assessed.

(d) New food establishments opening on or after July 1 or any particular year shall pay one half of the specified fee for the remainder of that calendar year.

[History: formerly § 4.405; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.060 Standards.**

(a) *Animals:* No live animal, fowl, rodent, or animal pets shall be kept or allowed in any food establishment where food or beverage is stored, displayed, prepared, or served, except that this section shall not apply to "seeing eye" dogs being used by the blind. At least two signs to this effect (on white cards and bearing appropriate words in black lettering at least one and one half (1 1/2") inches in height) shall be posted in different conspicuous places at each food establishment.

(b) *Minimum Ceilings:* No ceiling height in any food establishment shall be less than eight (8') feet from the floor.

(c) *Refrigeration:* All food in food establishments that is potential media for growth of bacteria, or is otherwise subject to spoilage by reason of lack of refrigeration, must be kept under refrigeration all during the time it remains in said food establishment.

(d) *Sterilization:* Sterilizing agents and compatible type detergents, as approved by the Health Department, must be used in all establishments requiring washing and sterilization of

equipment. The concentration of these agents and detergents to be used must be such as approved by the Health Department.

(e) *Trash Facilities:* All trash shall be stored in enclosures so as to prohibit its being scattered over the ground. Such enclosures shall be of suitable design and construction and must be maintained in a reasonably clean and sanitary condition at all times.

(f) *Washing Facilities:* All restaurants shall have a three-compartment sink for the purpose of performing proper washing, rinsing, and sterilization of dishes, glasses, and all cooking and other equipment. All other food establishments requiring washing facilities shall have at least a two compartment sink.

(g) *Floors:* Floors shall be of cement, tile laid in cement, vitrified brick, or other non absorbent material.

[History: formerly § 4.406; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.070 Exceptions.**

This Subchapter Four in no way applies to an owner or operator of a farm or ranch who erects or maintains a stand on his farm or ranch for the sale of fruits and vegetables only, so long as proper building, zoning and sanitary regulations are observed.

[History: formerly § 4.407; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.080 Rules and Regulations.**

The Health Department is authorized to establish and enforce appropriate rules and regulations in order to administer and carry out the purposes of this Subchapter Four and all state laws applicable to food establishments.

[History: formerly § 4.408; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.090 Penalty.**

Any food establishment which fails to apply promptly for a permit, as required by Section 4.04.030 hereof, or any such establishment which shall fail to apply for a renewal of permit by January 20 of each year, will be penalized in an amount equal to fifty per cent (50%) of the regular permit fee, which amount shall be in addition to the specified fee, as set forth in Section 4.405 herein.

[History: formerly § 4.409; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.100 Suspension and Revocation.**

If any person, firm, or corporation holding a permit issued hereunder shall violate any of the provisions of this Subchapter Four, any state laws applicable to food establishments, or any of the rules and regulations established by the Health Department pursuant to the power hereinabove conferred in that regard, and if such permit holder shall not, within a reasonable time thereafter, discontinue the violation or eliminate the same by promptly taking proper corrective or remedial steps, then the Health Officer may suspend or, in an aggravated case, revoke the permit. In the case of a suspension, the maximum period for a first violation shall be thirty (30) days, and ninety (90) days for a second or any subsequent violation. A suspension or revocation shall be effected by delivering to the offending permit holder a written notice to that effect or, in lieu thereof, by forwarding such written notice by way of certified mail addressed to the permit holder at his place of business. A permit holder who objects to, or feels dissatisfied with, the action of the Health Officer in suspending or revoking his permit may appeal to the City Council, as in the next section provided.

[History: formerly § 4.410; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.110 Appeal.**

Any decision taken with respect to the Colma Regulation of Food Establishments, Issuance of Permits, Fees and Penalties Ordinance may be appealed by any interested party to the city council in accordance with the procedures set forth in section 1.02.140 of the Colma Municipal Code.

[History: formerly § 4.411, ORD. 296, 4/11/84; ORD. 521, 12/10/97; ORD. 638, 12/14/05]

#### **4.04.120 Severability.**

If any section, subsection, subdivision, sentence, clause, or phrase of this Subchapter Four is for any reason held to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions thereof. The City Council hereby declares that it would have passed this Subchapter Four, and each section, subsection, subdivision, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses or phrases be declared unconstitutional or otherwise invalid.

[History: formerly § 4.412; ORD. 296, 4/11/84; ORD. 638, 12/14/05]

#### **4.04.130 Food Vending Vehicle Standards.**

The following standards shall apply to all food vending vehicles operating in Colma:

- (a) Vending from any vehicle shall not be permitted within one hundred feet of any intersection of two or more public streets. The vending vehicle operator shall comply with parking signs, curb markings and other traffic and parking restrictions at all times.
- (b) Vending vehicles are permitted only in commercially zoned areas of the Town with the exception that vendors using small vehicles, less than twenty feet (20') long, shall be permitted

in the residentially zoned areas of the Town and shall also be exempt from the Zoning Clearance fee and provision (7) below.

(c) Vending from any vehicle shall be limited to fifteen (15) minutes in any one location, and the vehicle must be moved a distance of not less than two hundred feet between consecutive stops at which vending occurs. Once a vehicle has moved from a vending location, it may not return to that location for at least twenty-four (24) hours.

(d) Vending vehicles shall not be parked, stopped, or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon any street.

(e) Vending vehicle operators shall not conduct business in any congested area where their operation might impede or inconvenience the public.

(f) Vending vehicle operators shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrappers, litter or other refuse from the vehicle and which has been left or abandoned on any public property. No street vendor or operator shall dispose of any trash or refuse in any public or private trash receptacle other than one owned or under the control of the operator.

(g) Vending vehicles shall not use any sound amplifier or loudspeaker for the purpose of advertising or attracting attention to merchandise or goods offered for sale.

(h) Vending shall not be permitted directly to persons in other vehicles or from other than the curb side of the vending vehicle.

(i) Failure to carry on, maintain and conduct a vehicle vending business according to the regulations provided for in this chapter is an infraction the fine for which shall be as set forth in Colma Municipal Code Section 6.01.020.

(j) All vending vehicles and operators which sell items within the Town of Colma shall secure a Business License.

(k) All vending vehicles shall possess and display a valid permit issued by the Health Department.

[History: formerly § 4.413, ORD. 561, 9/8/1999; ORD. 638, 12/14/05]